

SIKKIM



GOVERNMENT

GAZETTE

**EXTRAORDINARY
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Gangtok

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No. 435

**GOVERNMENT OF SIKKIM
HEALTH AND FAMILY WELFARE DEPARTMENT
TASHILING SECRETARIAT, GANGTOK**

No. 20/H&FW;

Dated: 27th September, 2022

NOTIFICATION

In exercise of the powers conferred by sub-section (2) of section 35 of the Surrogacy (Regulation) Act, 2021 (Number 47 of 2021), the State Government is hereby pleased to constitute the Appropriate Authority for the State of Sikkim for the purpose of this Act, consisting of the following members, namely : -

1. Composition : -
 - (1) Dr. Raj Prabha Moktan, Mission Director, National Health Mission, Health and Family Welfare Department : Chairperson, ex-officio
 - (2) Dr. Anita Bhutia, Additional Director, Health and Family Welfare Department : Vice Chairperson, ex-officio
 - (3) Dr. Neeti Nepal, Former President, Innerwheel Club of Gangtok : Member
 - (4) Smt. Niti Lama, Deputy Legal Officer, Law and Parliamentary Affairs Department : Member
 - (5) Dr. Phumzey Denzongpa, Principal Director (retired), Health and Family Welfare Department : Member

The above Appropriate Authority shall also function as Appropriate Assisted Reproductive Technology and Surrogacy Authority for the State of Sikkim in terms of sub-section (2) of section 12 of the Assisted Reproductive Technology (Regulation) Act, 2021.

2. Terms of Reference : -

The Terms of Reference of the Appropriate Authority shall be as under : -

The Appropriate Authority shall,-

- (i) grant, suspend or cancel registration of a surrogacy clinic;

- (ii) enforce the standards to be fulfilled by the surrogacy clinics;
- (iii) investigate complaints of breach of the provisions of this Act, rules and regulations made thereunder and take legal action as per provision of this Act;
- (iv) take appropriate legal action against the use of surrogacy by any person at any place other than prescribed, *suo motu* or brought to its notice, and also to initiate independent investigations in such matter;
- (v) supervise the implementation of the provisions of this Act and rules and regulations made thereunder;
- (vi) recommend to the Board and State Boards about the modifications required in the rules and regulations in accordance with changes in technology or social conditions;
- (vii) take action after investigation of complaints received by it against the surrogacy clinics; and
- (viii) consider and grant or reject any application under clause (vi) of section 3 and sub-clauses (a) to (c) of clause (iii) of section 4 within a period of ninety days.

Dr. Pempa Tshering Bhutia,
Director General cum Secretary,
Health and Family Welfare Department,
Government of Sikkim.
[File No. 763/ RCH/ H&FW]